IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 23RD NOVEMBER 2006 / 2ND AGRAHAYANA 1928

Crl.MC.No. 3219 of 2006()

C.C.69/2005 OF CJM' S COURT, THIRUVANANTHAPURAM

PETITIONER:

R. KRISHNA KUMAR, S/O.RAMACHANDRAN NAIR,
PATTENCHERI VEEDU, PIR A-32 (47/1899)
PETTAH JUNCTION, TRIPUNITHURA TALUK,
ERNAKULAM DISTRICT.

BY ADV. SRI.PIRAPPANCODE V.SREEDHARAN NAIR

RESPONDENTS:

STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, OFFICE OF THE ADVOCATE
GENERAL, HIGH COURT OF KERALA, ERNAKULAM
(ASSISTANT SUB INSPECTOR OF POLICE,
VALIATHURA POLICE STATION).

BY PUBLIC PROSECUTOR

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 23/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.3219 of 2006

Dated this the 23rd day of November 2006

O R D E R

This Criminal Miscellaneous case is filed by the petitioner against whom the charges have already been framed by the learned Chief Judicial Magistrate interalia under Section 471 and Sections 3 read with 12(1)d of the Indian Passport Act.

2. The petitioner filed an application for discharge. The learned Magistrate by Annexure IV detailed order had rejected the prayer for discharge and had framed the charges. A copy of the charges is produced as Annexure V.

3. Called upon to explain the nature of the challenge, the learned counsel for the petitioner clearly concedes that at any rate, the petitioner cannot claim complete discharge. He only presses the contention that, at any rate, the allegation under the Indian Passport Act would not lie.

4. At any rate, the petitioner will have to face trial. I am of the opinion that it is not necessary for this court to invoke the powers under Section 482 Cr.P.C to exhaustively consider the maintainability of the prosecution in so far as it relates to the offence under the Indian Passport Act. I have been taken through Annexure IV order

and I am not persuaded to agree that the charges framed deserve to be quashed by invoking the jurisdiction under Section 482 Cr.P.C.

5. In the result, this Crl.M.C is dismissed but I may hasten to observe that the petitioner shall be at liberty to raise all his contentions before the learned Magistrate in the course of the trial.

(R.BASANT, JUDGE)

jsr

R.BASANT, J

C.R.R.P.No.

ORDER

21ST DAY OF JULY 2006